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APPLICANTS FOR COUNSEL TO LEVELLAND/HOCKLEY COUNTY ETHANOL, L.L.C., DEBTOR IN POSSESSION

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

IN RE

LEVELLAND/HOCKLEY COUNTY  
ETHANOL, LLC

DEBTOR

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CASE No. 11-50162-11  
CHAPTER 11

**MOTION OF THE DEBTOR TO WITHDRAW THE EXPEDITED MOTION TO  
APPROVE ENTRY INTO ASSET MANAGEMENT AND POST PETITION FINANCING  
AGREEMENT WITH TENASKA BIOFUELS, LLC**

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TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Levelland/Hockley County Ethanol, LLC (“Levelland Ethanol” or the “Debtor”), debtor and debtor in possession in the above-referenced chapter 11 case, by and through its undersigned counsel, files this *Motion to Withdraw* (“*Motion to Withdraw*”) the *Expedited Motion Of The Debtor Under 11 U.S.C. §§363 and 364 To Approve Entry Into Asset Management And Post Petition Financing Agreement With Tenaska BioFuels, LLC and For Related Relief* (the “*Motion to Approve*” dkt. 24). In support, Debtor respectfully shows as follows:

1. The Debtor filed its Motion to Approve on or about May 10, 2011. No objections have been filed to the Motion to Approve to date.

2. The Debtor also filed a Motion to Expedite the Hearing on the Motion to Approve (dkt. 10). After a hearing on May 17, 2011, the Court set a hearing on the Motion to Approve for June 1, 2011.

3. The Debtor, at Tenaska's request, filed a Motion to Seal the Tenaska Agreement on May 12, 2011 (dkt. 36). Three objections to the Motion to Seal were filed, and the Court held a telephonic hearing on the Motion to Seal on May 20, 2011. The Court denied the Motion to Seal on the basis requested.

4. As a result, Tenaska has informed the Debtor that it will not longer enter into the Tenaska Agreement for which the Motion to Approve seeks authority at this time.

5. Therefore, the Debtor hereby seeks authority from the Court to withdraw the Motion to Approve from consideration. The Motion to Approve is being withdrawn without prejudice to its being refilled or to Tenaska's participation in the same or similar arrangement at sometime in the future.

WHEREFORE, Debtor respectfully requests that the Court enter an order withdrawing the Motion to Approve and for such other and further relief as this Court shall deem just and proper.

Dated: May 25, 2011.

Respectfully submitted,

**BLOCK & GARDEN, LLP**

/s/ Richard Levy

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### **CERTIFICATE OF SERVICE**

I certify that on May 25, 2011, a copy of the foregoing Motion was served upon the parties on the attached service list in the manner indicated thereon as prescribed by the Order on application of the Complex Chapter 11 Procedures to the case.

/s/ I. Richard Levy  
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